

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JANE DOE,
Plaintiff,

v.

20-cv-00484-JGK

DARREN K. INDYKE and RICHARD D.
KAHN, in their capacities as executors of
the ESTATE OF JEFFREY E. EPSTEIN,
GHISLAINE MAXWELL, an individual,

Defendants.

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**AFFIDAVIT IN SUPPORT OF DEFENDANT GHISLAINE MAXWELL'S
APPLICATION FOR COSTS AGAINST PLAINTIFF**

I, Laura A. Menninger, declare pursuant to 28 U.S.C. § 1746 and under penalty of perjury
that:

1. I am counsel for defendant, Ghislaine Maxwell in *Doe v. Indyke, et al.*, No. 20-CV-00484-JGK (S.D.N.Y.). I am personally familiar with the costs incurred in connection with the litigation.

2. I am submitting this Declaration in support of Ghislaine Maxwell's Bill of Costs and application for an award of costs against Jane Doe ("Plaintiff") in this action.

3. On January 15, 2021, Plaintiff filed a Motion to Dismiss with Prejudice Pursuant to FRCP 41(a)(2). Dkt. 91. Ms. Maxwell responded on January 29 (Dkt. 93), and further litigation regarding the dismissal occurred over the succeeding months.

4. On March 8, 2021, this Court issued a Memorandum Opinion and Order which determined, *inter alia*, that granted the dismissal with prejudice subject to certain conditions. Dkt. 98. Among the conditions were that Ms. Maxwell is permitted to seek her costs related to this action from Plaintiff. *Id.* at 7. The parties accepted the Court's conditions and on March 19, this Court issued an Order dismissing the case and ordering the conditions. Dkt. 102.

5. This Court determined that Ms. Maxwell is the "prevailing party for the purposes of Rule 54(d). Dkt. 98 at 5. Accordingly she is entitled "under Rule 54(d), [to] 'costs-other than attorney's fees.'" *Id.* (quoting Rule 54(d)).

6. Because discovery was stayed in the case by Magistrate Judge Freeman, the costs were in fact *de minimis*. Nevertheless, Ms. Maxwell exercises her right to recovery of those costs pursuant to Rule 54(d).

7. Pursuant to 28 U.S.C. § 1923, Ms. Maxwell is entitled to Docket Fees for discontinuance of a civil action in the amount of \$5.

8. Additionally, Ms. Maxwell incurred \$8.70 in search and printing costs from PACER associated with this case.

9. The total costs sought by Ms. Maxwell therefore is **\$13.70**.

10. The Bill of Costs attached to the Notice and its exhibits evidence the costs incurred by Ms. Maxwell in defense of this action.

11. Each of the costs claimed are allowed by law, specifically Local Civil Rule 54.1. Each are correctly stated and were necessarily incurred.

I swear under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Executed on Dated: May 11, 2021.

s/ Laura A. Menninger

Laura A. Menninger